

From: jackie lightfield
To: Microsoft ATR
Date: 12/17/01 8:58pm
Subject: Microsoft Settlement

The proposed terms of the settlement, in particular "that Microsoft does not have to disclose portions of the APIs that might "compromise the security of anti-piracy, antivirus, software licensing, digital rights management, encryption or authentication systems" is problematic. Under such vague definitions, Microsoft would be able to avoid other provisions of the settlement by invoking this clause. I don't think it was the intent of the courts to create a case law that is unspecified and therefor unenforceable.

Much like there are Government regulations separating the consolidation of power amongst owners of broadcast and newspaper media companies in the same markets, there too should be regulations against the consolidation of of power amongst a single company in the technology market.

It is imperative that the industry adopt standards in order to assure interoperability. This is the area that I hope the Department of Justice review and determine that an enforcement of published standards, long before the release of software, would provide competition an equal opportunity to develop for the operating system in question, and as a by product, create better software. Under the proposed settlement there are no time provisions, that would define clearly the period in which new APIs can be introduced and disseminated. Further, there should be a classification of where, within the operating system code, such portions of the API as it related to security of anti-piracy, antivirus, software licensing, digital rights management, encryption or authentication systems, are utilized, and what alternatives the Operating System will provide for third-party software to utilize such API calls. For example, a chat service that requires authentication, should not require that the chat service "recreate: authentication, encryption or other such code, in order to perform correctly on the operating system.

regards

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jaqueline lightfield
president
<http://www.blowtorch.com>
interactive publishing technologies
|tel| 203/497-8832 |fax| 203/497-8836

| <http://www.yourct.com> |

